UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER
RUDOLPH, VINCENT M

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
11/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 July 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,7-9,12,17,18 and 25-27_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5,7-9,12,17,18 and 25-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination

In view of the appeal brief filed on 7/30/2009, PROSECUTION IS HEREBY

REOPENED. See the new rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

***.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-9, 12, 17-18 and 25-27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gunji (Pub. # 20030065755) in view of Kobayashi (Pub. #

20030131072).

Regarding claim 1, Gunji (Pub. # 20030065755) discloses a system (**See Figure

1**) that includes a server (management system, **See Figure 1, Element 10**) configured

to be coupled in data communication with a network (over a network LAN, **See Figure

1**), such that the server being configured to: maintain a database (driver database, **See

Figure 2, Element 22**) having a plurality of data records (printer drivers for the printers

according to the requirements, **See Figure 1; Page 3, Paragraph 0049**, which includes

storing the latest version of it, **See Page 1, Paragraph 0005**), and communicate the

data records via the network and receive a response identifying a selected one of the

plurality of substitute printer driver identifications included in the communicated data

record (communicates the printer names via the network in order for the user to select a

driver for the desired printer based on the client's platform, **See Page 6, Paragraph

0079**).

Gunji (Pub. # 20030065755) does not disclose that each of the plurality of data

records includes printer type identification, and one or more substitute printer driver

identifications associated with the printer type identification, and cause a printer driver

identified by the selected substitute printer driver identification to derive print ready data

file for future print requests directed to a printer of the particular type identified by the

printer type identification that is associated with the selected substitute printer driver

identification.

Kobayashi (Pub. # 20030131072) discloses having multiple records (printer drivers stored in a storage unit, **See Figure 2, Element 9**), such that each of the data records includes a printer type identification (each data record includes attributes such as the model name or the identification / serial number for a selected printer, **See Page 3, Paragraph 0045**), and plurality of substitute printer driver identifications associated with the printer type identification (multiple printer drivers for each operating system in association with each printer model or identification number, **See Page 3, Paragraph 0045**), and causes a printer driver identified by the selected substitute printer driver identification to derive print ready data file for future print requests directed to a printer of the particular type identified by the printer type identification that is associated with the selected substitute printer driver identification (store the most recent version of the printer driver for an associated printer for future retrieval, **See Page 3, Paragraph 0045**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include attributes for associating with a particular printer as well as store a print ready data file, such as the one disclosed within Kobayashi (Pub. # 20030131072), and incorporate it into the system of Gunji (Pub. # 20030065755) because it allows the most recent version of a particular printer driver to be readily available for the user when needed as well as having a driver that is able to be correctly associated with the selected printer in order to have the printer be able to receive print data accordingly.

The combination of Gunji (Pub. # 20030065755) and Kobayashi (Pub. #

20030131072) together does not fully disclose a compatibility rating associated with

each substitute printer driver identification, but it would have been obvious for one to

exist. The reason is that by providing the printer's model name or identification / serial

number, it allows a printer driver to be correctly associated with the selected printer

based on the operating system that is running on the client terminal (**See Kobayashi**

(Pub. # 20030131072), Page 3, Paragraph 0045). By providing this information

together, the most compatible printer driver is then able to be selected for the user

dependent upon the associated printer, its included information, and the operating

system that is currently being used. In addition, a compatibility rating allows a user to

know why the particular printer driver is or is not compatible. For instance, if a user is

running the Windows XP operating system, and a compatible driver listed for the

selected printer is one for the Windows 98 operating system, the compatibility is zero

percent since they are two different operating systems. Thus, it allows the user to know

how compatible a corresponding driver is for the selected printer based on the operating

system being used. As a result, it would have been obvious to one of ordinary skill in

the art to include a compatibility rating and incorporate it into the system of Gunji (Pub.

20030065755) and Kobayashi (Pub. # 20030131072) because it allows a user to

know if a printer driver is available that is best suited to successfully communicate with

a printer and output the requested data without any complications or errors.

Regarding claim 2, the combination of Gunji (Pub. # 20030065755) and

Kobayashi (Pub. # 20030131072) together discloses a printer (**See Gunji (Pub. #**

20030065755), Figure 1) configured to be coupled in data communication with the

network (**See Gunji (Pub. # 20030065755), Figure 1**), the printer defining a printer type

substantially equivalent to the printer type identification of at least one of the plurality of

data records (the model name and identification / serial number is used to define the

printer in order to determine the appropriate printer driver for it, **See Kobayashi (Pub. #**

20030131072), Page 3, Paragraph 0045).

Regarding claim 3, the combination of Gunji (Pub. # 20030065755) and

Kobayashi (Pub. # 20030131072) together discloses that the server includes, for each

substitute printer identification, a printer driver identified by that substitute printer driver

identification (alternate printer drivers are provided based on the user's printer

information as well as the operating system that is currently being used, **See**

Kobayashi (Pub. # 20030131072), Page 3, Paragraph 0045).

Regarding claim 4, Gunji (Pub. # 20030065755) discloses that the server is

defined by a mobile enterprising printing server (a management system, **See Figure 2**,

which is used for storing and supplying printer drivers for the client computer, **See Page**

3, Paragraph 0049).

Regarding claim 5, Gunji (Pub. # 20030065755) discloses a use computer (**See**

Figure 1) configured to be coupled in data communication with the network (**See Figure**

1), the user computer is configured to receive a data record communicated by the

server (receive the printer drivers corresponding to a selected printer, **See Page 3,**

Paragraph 0049), and communicate a response to the server, such that the response

identifies a selected one of the plurality of substitute printer driver identification included

in the received data record (select a driver corresponding to the client computer's operating system as well as other criteria, **See Page 1, Paragraph 0004**).

Regarding claim 7, Gunji (Pub. # 20030065755) discloses that the server is further configured to receive an update command (once the user requests a printer driver, the management system issues a check to see for an updated version, **See Page 5, Paragraph 0076**), download one or more data records available from an Internet website (downloads the printer driver if an updated version is available, **See Page 5-6, Paragraph 0077**), and amend the database in accordance with the one or more downloaded data records (downloads and stores the updated version of the printer driver, **See Page 5-6, Paragraph 0077**).

Regarding claim 8, Gunji (Pub. # 20030065755) discloses the server is configured to amend by adding at least one of the one or more downloaded data records to the database (adds the record of the updated version of the printer driver to the management system, **See Page 5, Paragraph 0076**).

Regarding claim 9, Gunji (Pub. # 20030065755) discloses the server is configured to download the one or more data records in accordance with a comparison between the data records available from the Internet website and the database (compare the printer driver version in the management system to the attribute information received from the printer driver Web server, **See Page 5, Paragraph 0075-0076**).

Regarding claim 12, the combination of Gunji (Pub. # 20030065755) and Kobayashi (Pub. # 20030131072) together does not fully disclose that the compatibility

rating is defined by a percentage rating, but it would have been obvious to include a

percentage rating. The reason is it allows a user to know why the particular driver is not

compatible. For instance, if a user is running the Windows XP operating system, and a

compatible driver listed for the selected printer is one for the Windows 98 operating

system, the compatibility is zero percent since they are two different operating systems.

Thus, it allows the user to know how compatible a corresponding driver is for the

selected printer based on the operating system being used. As a result, it would have

been obvious to one of ordinary skill in the art at the time of the invention by the

applicant to include a compatibility rating, and incorporate it into the system of Gunji

(Pub. # 20030065755) and Kobayashi (Pub. # 20030131072) because it prevents a

user from unknowingly downloading a printer driver that is not compatible with the

operating system running on the client computer.

Regarding claim 18, Gunji (Pub. # 20030065755) discloses causing the printer of

the particular type to image the print ready data file on sheet media (enable a printing

operation to be performed with the specified printer, **See Page 6, Paragraph 0079**).

Regarding claims 17 and 25-27, the rationale provided in the rejection of claims

1-9 is incorporated herein. In addition, the system of claims 1-9 corresponds to the

method of claims 17, the apparatus of claims 25 (includes a computer-readable storage

medium, which is overseen by a controller, **See Figure 2, Element 12**) and 26 as well

as the system of claim 27 and performs the steps disclosed herein.

Response to Arguments

Based on the applicant's arguments included within the appeal brief, prosecution of the case has been reopened. Thus, the prior art of Kobayashi is used in combination with Gunji and together does meet each limitations of claims 1-5, 7-9, 12, 17-18 and 25-27 as disclosed within the rejection above.

Based on these facts, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is: Bergstrand (Pub. # 20040019580).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Rudolph
Examiner
Art Unit 2625

/Vincent Rudolph/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625